

**MINUTES
FREMONT CITY COUNCIL MEETING
APRIL 26, 2011
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Vice Mayor Chan led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan and Dutra.
Absent: Councilmember Harrison

1.4 Announcements by Mayor/City Manager – none.

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan and Dutra
Noes:	None
Absent:	Councilmember Harrison
Abstain:	None

- * **2.2 Approval of Minutes**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Chan, the City Council approved the minutes for the Regular Meetings of March 22, April 5 and April 12, 2011 and the Special Meeting Minutes of April 12, 2011.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan and Dutra
Noes:	None
Absent:	Councilmember Harrison
Abstain:	None

*** 2.3 Mayor Wasserman opened consideration of Appropriation of \$45,000 of Additional Funding and approval of a Change Order in the amount of \$80,700 for the Maintenance Center Swale Reconstruction, City Project No. 8656 (PWC).**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Chan, the City Council:

1. Authorized the City Manager or his designee to execute a change order in the amount of \$80,800 to Guerra Construction, Inc.
2. Appropriated \$45,000 to PWC 8656 from Fund 123 Urban Runoff Clean Water Program.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Dutra
Noes: None
Absent: Councilmember Harrison
Abstain: None

*** 2.4 Mayor Wasserman opened consideration of an Ordinance to Dissolve the Environmental Services Advisory Commission and Delete Title 2, Chapter 3, Article 14, Sections 2-31400 through 2-41402 of the Fremont Municipal Code**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Chan, the City Council introduced a draft ordinance dissolving the Environmental Services Advisory Commission and deleting Title 2, Chapter 3, Article 14, Sections 2-31400 through 2-41402 of the Fremont Municipal Code.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Dutra
Noes: None
Absent: Councilmember Harrison
Abstain: None

*** 2.5 Mayor Wasserman opened consideration of a Resolution Authorizing Fiscal Year 2011/12 Transportation Development Act (TDA) Article 3 Grant Application and Acceptance of the TDA Article 3 Funds for Alder Avenue and Nicolet Avenue Sidewalk Improvement Project in the Vicinity of Los Cerritos Community Park and American High School**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Chan, the City Council:

1. Adopted Resolution 2011-19 authorizing the City Manager, or his designee, (a) to apply for Transportation Development Act Article 3 Bicycle and Pedestrian Program Funds in the amount of \$128,117 for the Alder Avenue and Nicolet Avenue Sidewalk Improvement Project for FY 2011/12; and (b) to accept any awarded grant funds for the Project and to execute any necessary implementing documents.
3. Appropriated any grant funds received to 107PWC8736, Alder Avenue and Nicolet Avenue Sidewalk Improvement Project.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Dutra

Noes: None
Absent: Councilmember Harrison
Abstain: None

*** 2.6 Mayor Wasserman opened consideration of Acceptance of Transportation Development Act Article 3 Funds for Fremont BART Station Electronic Bicycle Locker Project and Appropriation of Funds**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Chan, the City Council:

1. Accepted Transportation Development Act Article 3 funds from the Metropolitan Transportation Commission in the amount of \$138,000 for the Fremont BART Electronic Bicycle Locker Project and authorized the City Manager or his designee to update the existing agreement and/or implement any other needed documents between the City of Fremont and the San Francisco Bay Area Rapid District (BART) to implement the project.
2. Appropriated the \$138,000 Transportation Development Act Article 3 funds to 107PWC8755, Fremont BART Electronic Bicycle Locker Project.
3. Transferred \$10,000 appropriation from 509PWC8541, Bicycle & Pedestrian project, to 509PWC8755, Fremont BART Electronic Bicycle locker project, to cover staff time costs to administer the project

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Dutra
Noes: None
Absent: Councilmember Harrison
Abstain: None

*** 2.7 Mayor Wasserman opened consideration of Approval to Reject All Bids for the Construction of the New Storage Facility at Fire Station #6 (City Project No. PWC 8741), APN #501-521-019**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Chan, the City Council rejected all bids and authorized staff to rebid the construction contract for the Storage Facility at Fire Station #6, City Project No. 8741 (PWC).

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Dutra
Noes: None
Absent: Councilmember Harrison
Abstain: None

*** 2.8 Mayor Wasserman opened consideration of Authorizing the City Manager to Sign FY 2010/11 Contract Amendments with the Alameda County Area Agency on Aging for Case Management, Family Caregiver Support, and the Senior Center; and Appropriate Additional Funds**

*Consent Items

On a motion by Councilmember Natarajan, seconded by Vice Mayor Chan, the City Council authorized the City Manager or designee to execute the FY 2010/11 contract amendments with the Area Agency on Aging for case management, caregiver support and senior center programs as described in the staff report; and appropriated an additional \$5,327 to Fund 106 and \$9,617 to Fund 173.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Dutra
Noes: None
Absent: Councilmember Harrison
Abstain: None

*** 2.9 Mayor Wasserman opened consideration of Amending the City's Employer-Employee Relations Resolution 9697 to Reflect the Addition of the Police Management Unit as a Bargaining Unit; Add Appendix H to the Resolution to Reflect the Additional Bargaining Unit**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Chan, the City Council adopted Resolution 2011-20 amending Resolution 9697, Employer-Employee Relations Rules and Regulations, and a new appendix H to the resolution.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Dutra
Noes: None
Absent: Councilmember Harrison
Abstain: None

*** 2.10 Mayor Wasserman opened consideration of a Resolution Ordering the Preparation and Filing of the Annual Engineer's Report for Landscaping Assessment District 88 and Adopt a Resolution Stating the City Council's Intention to Levy Assessments for Landscape Assessment District 88 for Fiscal Year 2011/12**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Chan, the City Council:

1. Adopted Resolution 2011-21 ordering the preparation and filing of the annual Engineer's Report for Landscaping Assessment District 88 for Fiscal Year 2011/12.
2. Adopted Resolution 2011-22 stating the intent of the City Council of the City of Fremont to levy and collect assessments for Fremont Landscaping Assessment District 88 for Fiscal Year 2011/12

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Dutra

Noes: None
Absent: Councilmember Harrison
Abstain: None

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

Ardhendu Raha requested Council to consider forgiving his bill for his 2009 Conditional Use Permit (CUP) request to operate a concern hall/music school in his home.

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS

7.1 Mayor Wasserman opened consideration of City Council Policy on Labor Negotiations 2011: Guidelines for Council Consideration

Councilmembers provided comment.

On a motion by Councilmember Natarajan, seconded by Vice Mayor Chan, the City Council reviewed and adopted a Draft Policy on Labor Negotiations 2011: Guidelines.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Dutra
Noes: None
Absent: Councilmember Harrison
Abstain: None

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals

8.1.1 VICE MAYOR CHAN REFERRAL: Request Staff to Explore Reducing the Number of Regular City Council Meetings

Vice Mayor Chan provided an explanation for her request. Councilmembers provided comment.

By consensus of Councilmembers present, staff was directed to explore reducing the number of regular City Council meetings from four per month to three per month and return to Council with the methodology for reducing meetings per month to three, including an ordinance for consideration and adoption.

8.1.2 MAYOR WASSERMAN REFERRAL: Request the City Council to Consider Directing the Mayor to Send a Letter to the Governor Objecting to the Extreme Removal of Trees and Plants in Niles Canyon

Mayor Wasserman provided an explanation for his request. Mayor Wasserman opened the item for public comment.

Mike Dubinsky and Steven Wilson (Save Niles Canyon.org) expressed support for directing the Mayor to send a letter to the Governor objecting to the extreme removal of trees and plants in Niles Canyon.

On a motion by Councilmember Natarajan, seconded by Vice Mayor Chan, the Mayor was directed to send a letter to the Governor objecting to the extreme removal of trees and plants in Niles Canyon, including sending a copy of the letter to Lieutenant Governor Gavin Newsome, Union City Councilmembers, and Alameda County.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan and Dutra
Noes:	None
Absent:	Councilmember Harrison
Abstain:	None

8.2 Oral Reports on Meetings and Events – None.

9. ADJOURNMENT: There being no further business, Mayor Wasserman adjourned the meeting at 7:30 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor